



Protecting workers in the specialty forest products industry

June/July 2003

L&I has begun an emphasis in the specialty forest products industry to:

- ◆ **Educate the industry about the requirements of farm labor contractors.**
- ◆ **Crack down on the exploitation of vulnerable, low-wage workers.**
- ◆ **Ensure a level playing field for businesses that deal with legitimate, registered farm labor contractors.**

The Department of Labor and Industries has begun an emphasis in Thurston and Mason counties to find unlicensed farm labor contractors in the specialty forest products industry.

The harvest and sale of non-timber forest products such as salal, beargrass, mushrooms and ferns is a multimillion-dollar, international industry for Washington state. Farm labor contractors – also known as labor brokers – obtain harvest permits for specialty forest products, and are required to register with L&I.

Within the industry, there are a number of farm labor contractors who are operating illegally, without valid registration. They often hire non-English-speaking Hispanic workers who may not be aware of their rights to earn minimum wage, work in safe conditions and receive compensation if they are involved in a work-related accident.

Why is L&I focusing on this industry?

This initiative is in response to labor, business and local law enforcement concerns about illegal operations within the brush-picking industry.

The Washington Farm Labor Contractor statute (RCW 19.30), adopted by the Legislature in 1955, was amended in 1985 to include forestation and reforestation operations so that workers in those industries could be ensured payment of minimum wage and safe working conditions. A violation of the Farm Labor Contractor law is considered a misdemeanor, punishable by a maximum fine of \$5,000 or imprisonment in the county jail for a maximum of six months, or both.

Working with industry stakeholders, L&I has created checklists with key indicators and business practices to help harvesters, farm labor contractors, shed owners and landowners comply with the law. Over the next few months, the agency will provide outreach on the initiative to workers through Spanish radio talk shows and other media.

In addition, L&I plans to perform educational audits and consultations with at least two companies that are believed to be doing business with illegal farm labor contractors.

Farm labor contractor laws do not apply to:

- ◆ **Employees of Washington State Employment Security and its agents**
- ◆ **Common carriers (such as a transportation business licensed by the Washington Utilities and Transportation Commission, and contracted for shipping purposes).**
- ◆ **Full-time, regular employees of the landowner or shed**
- ◆ **Non-profit corporations**

What is a farm labor contractor?

A farm labor contractor is an individual, firm, partnership, association, corporation, or unit of a state or local government that brokers between a landowner or shed operator to provide workers **for a fee**. Typically, a farm labor contractor:

- Recruits or solicits agricultural workers through methods such as advertising or word of mouth.
- Hires or employs workers to perform agricultural activities, which include but are not limited to growing, producing, harvesting of farm or nursery products; planting, transplanting, tubing, pre-commercial thinning, thinning of trees and seedlings; clearing, piling and disposal of brush and slash; harvesting of Christmas trees; brush picking; cutting boughs; and gathering fir cones, mushrooms, beargrass, ferns and other forest products.
- Supplies workers to agricultural employers to perform work in any type of the activities listed above.
- Transports agricultural workers from a pick-up point to the harvesting area.

Farm labor contractors are required to maintain:

- A Washington State master business license from the Department of Licensing
- A Washington State farm labor contractor license from L&I
- Tax compliance certification
- Employment agreements signed by each worker
- A surety bond or cash deposit in the following amounts to ensure the payment of wages owed to workers:
 - \$5,000 for 1-10 employees
 - \$10,000 for 11-50 employees
 - \$15,000 for 51-100 employees
 - \$20,000 for 100 or more employees
- Vehicle insurance, if providing transportation to workers, at the following coverage levels: \$50,000 injury or damage to property; \$100,000 for injury or damage, including death, to any one person; and \$500,000 for injury or damage, including death, to more than one person.
- Payroll records which include the basis on which wages are paid, piece rate units earned (if applicable), number of hours worked, total pay period earnings, specific sums withheld, the purpose of each sum withheld and net pay. Farm labor contractors are also required to disclose in a written statement to the workers their rights in English and other languages common to the workers, and the terms and conditions of their pay basis.